



# CSCE Digest

The  
Commission  
on  
Security  
and  
Cooperation  
in  
Europe

**VOLUME 22  
NUMBER 11**

**November 1999**

## Contents

Human rights  
deteriorate in  
Czech Republic  
*by Erika B.  
Schlager* 100

Ukraine re-elects  
Leonid Kuchma  
*by Orest  
Deychakiwsky* 103

Commissioner  
Koh delivers  
human rights  
message in  
Belarus  
*by Orest  
Deychakiwsky* 104

Chechnya conflict  
prompts  
Commission  
hearing, House  
resolution  
*by John Finerty* 105

Macedonian  
citizens find  
choosing a  
president a  
challenge  
*by Robert  
Hand* 107



**Commissioner Koh and Akin Birdal at the  
Istanbul portion of the OSCE Review Conference**

## **1999 OSCE Review Conference convened in Vienna and Istanbul**

*by Janice Helwig*

The OSCE Review Conference's initial phase was held in Vienna from September 20–October 1, where the entire range of OSCE issues were covered. Discussions were divided among four working groups, one each for the human, economic, and security dimensions, and one for the structure and administration of the OSCE. The Conference was open to non-governmental organizations (NGOs) and other international organizations: over 200 NGOs and some 45 international organizations and institutions participated. Based on themes emerging from the Vienna portion of the Conference, the Chairman in Office (CiO) selected several key topics for further discussion in the second portion of the Conference held in Istanbul November 8-10. These topics were: torture, children in armed conflict, corruption, and lessons learned from large OSCE missions, largely reflecting U.S. priorities. Each topic was introduced by a guest speaker; participating States, NGOs, and international organizations then had an opportunity to put forth their views. Over one hundred NGOs—the majority Turkish—participated in Istanbul.

The U.S. delegation to the Vienna portion of the Conference was co-chaired by United States Ambassador to the OSCE David Johnson and Senior Advisor

*please turn to next page*

The *CSCE Digest* is published 12 times a year by The Commission on Security and Cooperation in Europe. Opinions and materials in the *CSCE Digest* do not necessarily reflect official views of the Commission or its Commissioners. Any maps used are for the convenience of the readers; the denominations used and the boundaries shown do not imply any judgement by the Commission on the legal status of any territory or any endorsement or acceptance of such boundaries. Material from the *Digest* may be reprinted, with due credit given.

The Commission on Security and Cooperation in Europe, by law, monitors and encourages progress in implementing the provisions of the Helsinki Accords. The Commission, created in 1976, is made up of nine Senators, nine Representatives, and one official each from the Departments of State, Defense, and Commerce. For more information, please call (202) 225-1901 or check the web at [www.house.gov/csce/](http://www.house.gov/csce/).

of the Commission on Security and Cooperation in Europe Ambassador William Courtney. In addition, the Istanbul portion was co-chaired by Commissioner and Assistant Secretary of State for Democracy, Human Rights and Labor Harold Hongju Koh and Commissioner and Assistant Secretary of Commerce for Market Access and Compliance Patrick A. Mulloy. Five public members participated on the U.S. Delegation in Vienna: Ambassador Kenton Keith of Meridian International Center, Lucinda Low of Transparency International USA, Juliette Engel of Miramed Institute, Dr. Jeremy Gunn of the U.S. Institute for Peace, and Reverend Robert Hunt of the United Methodist Church. Eight staff members of the Commission participated in the Conference. In addition, several U.S. Government representatives from the Department of State, Voice of America, and USAID joined the regular U.S. Mission to the OSCE.

In Vienna, a general review of all OSCE commitments was conducted, including a discussion of how to improve their implementation. In the human dimension, States and NGOs raised particular concerns about constraints on freedom of religion—especially new religions—in the former Soviet Union and in Western Europe; the need to step up legislation and policies to combat torture (Central Asia was a region cited as having a particular problem with use of torture by officials to extract confessions); the increasing problem of trafficking of women and children, often for prostitution; and the need to ensure full

rights for national minorities and Roma and Sinti. The EU also raised the rights of children and abolishment of the death penalty as issues the EU wants the OSCE to address.

The economic dimension discussions centered around the need to address problems in transition countries. Participants stressed the importance of having a transparent legal system and rule of law, and addressing organized crime and corruption in order to develop a strong market economy.

The security dimension reviewed the Vienna Document on Security and Confidence Building Measures, the Code of Conduct, and the implementation of the military sections of the Dayton Peace Agreement in Bosnia. Three public members participated on the U.S. delegation in Istanbul: Professor Terence Hopmann of Brown University's Institute of International Studies, Dr. Vince Iacopino of Physicians for Human Rights and Lucinda Low of Transparency International USA.

In Istanbul, the selection of a few specific topics allowed for more detailed discussions. Each session was opened by a statement from an expert on the issue. OSCE Secretary General Jan Kubis said that the time had come for internal OSCE reforms to increase the effectiveness of the OSCE to support its growing field operations. Douglas A. Johnson, a U.S. expert on combating torture and a member of the Office for Democratic Institutions and Human Rights' (ODIHR) Advisory Panel for the Pre-

vention of Torture, pointed out in a keynote address that the main responsibility for eliminating torture lay with the participating States themselves through the adoption and implementation of anti-torture legislation and policies, as well as support for NGOs and organizations involved in the rehabilitation of victims of torture. Several States raised the need to broaden the definition of torture in the OSCE context to include rape and poor prison conditions. The U.S. proposed an initiative to include language in the summit document strengthening OSCE commitments to eradicate torture, including through establishment and implementation of effective safeguards.

Special Representative of the United Nations Secretary General for Children and Armed Conflict Olara Otunnu discussed the specific problems faced by children as victims and participants in war and recommended that the OSCE address the issue through the Permanent Council and through OSCE field mission activities. Canada, Austria (next year's Chair-in-Office), Switzerland, Sweden, and Russia proposed that the Istanbul summit document include a new commitment to this effect. Several of these States urged that the minimum age for recruitment and participation in military service be increased to 18. In response, the United States argued that the OSCE should focus on the real problems facing children in conflict and not whether persons voluntarily serving in the military are 17 or 18.

Turkey focused on the use of children by terrorists. Ambassador Courtney discussed the affects of armed conflict on children, including the forced recruitment of children as young as 9 or 10, and the physical and emotional scars left on those surviving conflict.

Deputy Secretary for United Nations Economic Commission for Europe Donuta Hubner addressed economic challenges to countries in transition and stressed that the same strategy does not work in all countries. Most countries in transition had yet to implement all necessary reforms. Good governance was necessary for real economic development. Assistant Secretary Mulloy addressed the need to fight corruption, particularly in transition countries. He proposed that the OSCE identify and approve a set of norms for action by governments to promote public integrity and good governance as well as to control official corruption. Mulloy held a series of bilateral meetings in Istanbul to push for the inclusion of language on corruption in the Istanbul Summit document.

Assistant Secretary Koh, participating in his first OSCE conference since being appointed to the Helsinki Commission, called on the Russian Federation to adhere to its OSCE commitments and cease indiscriminate use of force against its citizens in Chechnya. He drew attention to the need to work harder to end impunity for torturers by prosecuting and punishing perpetrators and providing rem-

edies for victims. He also focused on the need to end discrimination against Roma and Sinti. During his time in Istanbul, Koh held a series of bilateral meetings focusing on human rights in Turkey, Belarus and Central Asia. Koh met with Turkish human rights leader Akin Birdal, whom the Assistant Secretary had visited in jail during a trip to Turkey earlier in the year.

The U.S. proposed the creation of a mechanism for more rapid and effective deployment of mission personnel, called REACT, and proposed an initiative to include language in the summit document strengthening OSCE commitments to eradicate torture.

At the closing plenary, the United States and the European Union brought up the deteriorating situation and growing humanitarian crisis in Chechnya. Several Chechen NGOs also spoke out to criticize the actions of the Russian Government. A large number of Turkish and Kurdish NGOs took the floor and also met bilaterally with a number of national delegations. Turkey proposed that the OSCE become involved with disaster assistance, in light of the role that NGOs played after the recent earthquake. The Czech Republic presented an overview of its work on issues concerning Roma. The Helsinki Commission hosted a reception in Istanbul for U.S. and Turkish NGOs attended by Commissioners Koh and Mulloy and other members of the U.S. delegation. □

## Human rights deteriorate in Czech Republic

by Erika B. Schlager

While the construction of a wall in Usti nad Labem has drawn the lion's share of international attention, a number of other human rights problems in the Czech Republic have also come to light in recent months.

### ***Racial Profiling—or Racist Profiling?***

In mid-October, Czech Airlines (a majority of whose shares are owned by the Czech Government) admitted that, for an eighteen-month period ending this past spring, persons believed to be Romani passengers because of their dark hair or dark skin were designated with a “g” (for “Gypsy”) on airline documents. A spokesperson for the airlines asserted this was intended to help

British immigration authorities at London's Heathrow Airport identify Romani passengers in light of the increasing number of Czech-Romani asylum seekers in United Kingdom. The UNHCR, however, opposes any role by carriers in identifying persons who may be in need of international protection, as this obligation rests with States and not commercial interests.

In late October, it was reported that Czech unemployment offices have also had a long-standing practice of identifying those who are suspected of being Romani with an “R” on their files; it may be that this was a practice inherited from the communist regime. Social and Labor Affairs Min-

ister Vladimir Spidla reportedly said he did not know about the designation and that the practice should be prohibited. Some Members of Parliament, however, have lamely suggested the practice might have constituted some form of “affirmative action.”

There are several reasons to believe the Deputies are mistaken. First, not only is there no affirmative action

keeps lists of Roma, allegedly as a means of helping them. (See also “Czech Republic Sued,” below.) Non-governmental representatives have been quick to protest all three forms of racial identification, asking: with a wall in Usti nad Labem and racial designations everywhere else, can brown triangles be far away?

### ***Czech Republic Sued for Segregated Schooling***

On June 15, the Budapest-based European Roma Rights Center (ERRC) simultaneously released the results of a nine-month study of segregation in the Czech education system and announced that it has brought a suit to

**During the first nine months of 1999, 1240 Czech Romani families sought asylum in the United Kingdom. In 1998, 515 Romani families applied for asylum in the United Kingdom. In 1997, 240 Romani families applied for asylum in the United Kingdom. Many governments have been reluctant to provide information about the number of Romani asylum seekers, fearing that such information will encouraging more Roma to come.**

program in the Czech Republic, there is not even a civil law to prohibit and punish open discrimination against Roma in the workplace. Second, racial designations were not made voluntarily by individuals but were attributed by government officials to individuals who were “suspected” of being Romani. (This practice is contrary to the OSCE's 1990 Copenhagen Document.) Third, the designations were made without the consent of those identified as Roma. Fourth, it appears that no other racial, ethnic, linguistic or ethnic groups were so identified.

It was also reported on November 2 that the Ministry of Education

seek legal remedies to rectify this injustice. During the communist era, many Central European countries systematically placed Roma into so-called “special” schools—schools for the mentally impaired. *De facto* segregation of schooling is a common complaint among Romani NGOs throughout Central Europe.

According to the ERRC, “[t]he evidence documented in the legal complaints shows that, in the district of Ostrava, Romani children outnumber non-Roma in special schools by a proportion of more than twenty-seven to one. Although Roma represent fewer than 5 percent of all primary school-age students in Ostrava,

they constitute 50 percent of the special school population. Nationwide, as the Czech Government itself concedes, approximately 75 percent of Romani children attend special schools, and more than half of all special school students are Roma.” The full report of the ERRC is available at <www.errc.org>.

### **Restrictions on Free Speech**

Criminal charges were reportedly brought against a leading Romani activist, Ondrej Gina, in late October by city officials in Rokycany because Gina described the city as “racist.” (Mr. Gina, as part of a delegation of the Romani National Congress, met with Commission staff in Washington, DC on October 21.) In a separate case, criminal charges were brought in late October against a Romani woman who got into a shouting match with ethnic Czechs regarding the wall in Usti nad Labem.

The case against Gina appears to have been brought using communist-era provisions which restrict free speech by: 1) providing special protections for public officials or public

offices; 2) imposing criminal penalties for mere speech; and 3) punishing opinion. In the second case, the charges appear to be based on the kind of “hate speech” restrictions that are common in many European countries. Although such laws—a reaction to the role of hate speech during the Holocaust—are intended to protect minority groups, there has been a trend in the Czech Republic to use them against the very minorities they are intended to defend. In contrast, the vast majority of instances of hate speech directed against Roma go largely unpunished. (In the United States, both opinion and “hate speech”—itself a kind of opinion—are protected under the First Amendment.) The relatively disproportionate use of “hate speech” laws, or other laws restricting speech, against Roma is likely to foster the view among Roma that the justice system in the Czech Republic is biased against them.

### **Roma Attacks Resume?**

Two recent cases suggest that attacks by Roma against non-Roma may have resumed after an apparent lull.

On October 7, the Czech News Agency (CTK) reported that two Romani grandparents assaulted their grandson’s school teacher. On October 29, CTK reported that eight Roma had attacked a restaurant owner in Horazdovice.

This may be a renewal of what appears to have been spontaneous violence between Roma and non-Roma that escalated around the time of the racially motivated murder of Helena Bihariova. The murder of Bihariova, a 26-year-old Romani mother of four who was drowned in the Elbe river, heightened frustration among Roma with the growing number of racially motivated attacks on Roma and with the indifference to these crimes by most government officials.

According to CTK reports, the attacks by Roma included the following:

- February 15, 1998, Roma attacked a police officer in Novy Jicin
- late February 1998, Roma attacked a waiter in Jablonec nad Nisou; the waiter refused to tell police what sparked the attack

*“We as delegates of Romani communities in Macedonia, Hungary, Poland, Lithuania, Slovakia, Romani, and the Czech Republic [ . . . ] call upon the Czech government and state to follow all obligations of international law and treaties concerning human rights and the rights of national minorities.”*

—International Romani Conference, Skopje, February 29, 1998

*“Our members have come, during our meeting here in Budapest, to the following resolution: The Romani nation is under an enormous threat posed by the majority in the Czech Republic.”*

—Consortium of Romani Regional Representatives, Budapest, Hungary, May 25, 1998

*“The Roma Regional Representatives and Activists condemn the intention of the functionaries of the local government in Usti nad Labem to build a wall dividing the area and people.”*

—Roma National Congress, Hamburg, August 26, 1998

*“The permanence of that wall [in Usti nad Labem] constitutes a serious outrage not only against the Gypsies in Labem but against all European Gypsies.”*

—Union Romani, Barcelona, November 2, 1999

*please turn to next page*

*continued from previous page*

- February 27, 1998, a group of Roma attacked 4 policemen in Moravska Trebova
- February 28, 1998, Roma attacked skinheads in Breclav after the skinheads allegedly yelled “Gypsies to the gas chamber” and “you black bastards;” six skinheads and nine Roma were arrested; Police Chief Vieslav Klusek told CTK there was no racial subtext to the attack
- March 1, 1998, Roma attacked police in Bilina; they were charged with attacking a public official and, because they called the policemen “white swine,” with “racial defamation”

In reporting on these cases, CTK suggested (March 2, 1998) that “[t]he spate of attacks seems to be evidence of mounting Roman[i] anger at perceived police bias as well as skinhead violence.”

In addition to these assaults, on March 19, 1998, a group of Roma attacked two men who had shouted racial slurs at them in Usti nad Labem. CTK also reported that a group of Roma attacked a police officer on May 24, 1998 in Liberec. The police chief for Northern Bohemia, Jiri Voralek, reported that in the first five months of 1998 there had been 16 racially motivated offenses: seventeen of the victims were ethnic Czechs, five were Roma, and three were Sri Lankans; fifteen of the thirty-two offenders were Roma and seventeen were ethnic Czechs, including six identified as skinheads.

The most high-profile of the Romani attacks so far involved an assault on Miroslav Sladek, leader of the far-right Republican Party, on May 9, 1999. Sladek’s party is notorious for, among other things, its call to rid the Czech Republic of Roma. Sladek

also made headlines in 1996 when he argued, on the floor of the parliament, that “Gypsies should be legally accountable from the moment of their birth, because that is practically their biggest crime”—a remark that led hundreds of Roma to sign a petition calling for Sladek to be charged with incitement to racial hatred. (In fact, Sladek was ultimately charged in 1997 for incitement to racial hatred—and acquitted in January 1998—but not for his remarks against Roma. Rather, it was his statement, “We can only feel sorry that during World War II we slaughtered so few Germans,” made in the context of a parliamentary debate of a Czech-German agreement, that prompted government officials to bring charges.) On May 9, Sladek was attacked by Roma while he was giving a speech in Novy Bor. The Roma attacked him after Sladek made crude remarks about President Havel and his wife.

The attack gained even greater attention after President Havel pardoned the two Roma who were charged in the case. According to the President’s spokesperson, the President did not believe that the local police could conduct an impartial investigation into the matter. She noted, in particular, that the police had given an account of events that match that of Mr. Sladek’s, but which were contradicted by other eyewitnesses. She also observed that human rights groups had reported a consistent failure of the police in that area to investigate and prosecute successfully racially motivated attacks against Roma.

Although the Chamber of Deputies had been silent in the face of the increasing number of racially moti-

vated attacks against Roma, the attack on Sladek prompted the Chamber, on May 14, 1999, to pass a resolution expressing the Deputies’ dissatisfaction with the growing number of attacks against politicians.

There has also been a recent report of Romani murder of a non-Rom in Hungary. According to the Budapest-based Roma Press Center, on August 29, three non-Romani men armed with baseball bats arrived sometime after midnight at a residence in Zamoly where Roma are being temporarily housed. (The Roma had been moved to Zamoly two years ago after storms made their own homes uninhabitable. Construction of permanent housing for them has been delayed because of threats and protests by villagers.) Witnesses report that the men yelled racial epithets at the Roma. A Romani woman has confessed to the August 29 murder, claiming it was self-defense.

#### ***Update on Usti Wall: Government Capitulates to Locality’s Demands***

According to a Czech News Agency (CTK) story on November 15, Usti nad Labem officials were prepared to tear down the Usti Wall if the Czech Government would buy up the homes of the ethnic Czechs on Maticni Street, enabling them to move away from their Romani neighbors. Czech Prime Minister Milos Zeman reportedly characterized the Usti officials demands as “blackmail” and stated that the government would not even consider such a trade-off, not “even for a moment.” NGOs separately warned that such a trade-off might prompt ethnic Czechs in other areas to try to blackmail the government into buying out their homes as well.



On November 23, the wall in Usti nad Labem was torn down, after an agreement was reached between the Czech Government and local authorities. According to the agreement, the Czech Government has awarded 10 million crowns [approx. \$281,762] to the local government, of which 3.6 million [approx. \$101,434] will be used to buy the homes of the ethnic Czechs on Maticni street; 56,000 crowns [approximately \$1,570] will be used to cover the costs of tearing down the wall. The remaining money is supposed to be spent by the local authorities on various programs to benefit the Roma, although it is unclear if there are any oversight provisions to ensure the money is spent for this purpose.

European Union officials quickly embraced the compromise, while Romani activists were less impressed. Ondrej Gina, a Czech representative of the Romani National Congress, observed: "Now they have finally confirmed that Czechs don't want to live with Roma. This is a capitulation to racism." □

## Ukraine re-elects Leonid Kuchma

*by Orest Deychakiwsky*

On November 14, President Leonid Kuchma was re-elected for another 5-year term as President of Ukraine, beating Communist Party candidate Petro Symonenko, with 56.3 percent of the votes to Symonenko's 37.8 percent. Three-quarters of the electorate turned out to vote. Nearly one million people, or 3.5 % of the voters, selected the option of voting for neither candidate.

Two weeks earlier, on October 31, President Kuchma was the favorite in the first round of voting, with 36 percent of the vote in a field of 13 candidates. Symonenko was second with 22 percent.

Despite the economic decline and widespread corruption that were hallmarks of his first term, voters chose to re-elect Kuchma, principally out of fear of a return of communism, and certainly not due to any enthusiastic embrace of his stagnant economic policies. This sentiment was particularly pronounced in the more Europe-oriented and nationally conscious western Ukraine, where Kuchma received over 90 percent of the vote in Lviv, Ivano-Frankivsk and Ternopil oblasts. Even during the first round, Kuchma did well in this region—in sharp contrast to the 1994 presidential elections—as voters chose not to “waste” their vote on more reform-oriented candidates that they knew had virtually no chance of winning. In the run-offs, Symonenko won a majority in a number of eastern and central regions. His strongest showings were not in the heavily industrialized and Russian-speaking eastern oblasts, as some had predicted, but in several agricultural oblasts in the central part

of the country. Symonenko obtained some of his greatest margins of victory in the very same oblasts whose governors “voluntarily” handed in their resignations immediately after poor pro-Kuchma performances in the first round. Although nearly 45 percent of voters cast their ballots for leftist candidates in the first round, considerably fewer voted for the Communist candidate in the runoff. Indeed, even many of those voting for Symonenko did so primarily in protest of their own dismal economic situation.

The elections were observed by some 500 international observers, with by far the largest contingent coming from the OSCE, and some 16,000 domestic observers.

While there were violations of Ukraine's elections law and OSCE commitments on democratic elections, especially during the second round, these did not affect the overall outcome, given Kuchma's five-million vote margin of victory.

The pre-election campaign was marred by a heavy pro-Kuchma bias, especially in the state-owned electronic media, and to a lesser extent among independent television stations. Some electronic and print opposition media—and even media outlets that were perceived to be insufficiently pro-presidential—suffered a campaign of pressure or harassment from authorities, including relentless inspections by tax, fire and safety authorities. Independent television station STB, for instance, had its bank accounts frozen and several local television stations were closed.

Campaigning by state administration and public officials was also

*please turn to next page*

*continued from previous page*

## **Commissioner Koh delivers human rights message in Belarus**

*by Orest Deychakiwsky*

prevalent, and appeared to be systematic and coordinated. Between the two rounds, there was demonstrative pressure, including by militia, to get out the vote for Kuchma.

The October 31 vote proceeded largely in accordance with OSCE norms. The November 14 run-off was more problematic, with more flagrant violations of voting procedures, including a greater presence of unauthorized persons in polling stations. According to the OSCE Election Observation Mission Statement, there was “a sustained campaign to coerce state employees in medical and educational facilities to vote in favor of the incumbent” in the second round.

While the West welcomed the Ukrainian people’s rejection of communism and any plans to reinvent the Soviet Union or a Russian empire, the lack of economic reforms, as well as Kuchma’s dubious campaign tactics, dampened any Western exuberance over his re-election victory. Following his victory, President Kuchma claimed a mandate and promised to work resolutely for economic reform. This, however, needs to be weighed against his dismal economic record and the dubious resumes of some of his major campaign supporters. Western governments, including the United States, almost immediately reiterated their commitment to assisting Ukraine’s transition to democracy and a market economy. Meanwhile, these governments are waiting to see if the reality will match the rhetoric of reform. □

Helsinki Commissioner and Assistant Secretary of State for Democracy, Human Rights and Labor, Harold Hongju Koh, traveled to Belarus on November 10 and 11, emphasizing U.S. concern about the state of human rights and democracy in that country. Appearing at an international legal conference at Raubichy outside of Miensk, Koh noted that “Belarus is being left behind at a time when the rest of Europe is seeking to build a common foundation of democratic governance” and stated that normalization of relations will not occur “...until the Government of Belarus takes steps to ensure democracy, respect for human rights, and the rule of law.”

“True democracy,” he said, “depends on four critical elements: the will of the people, civil society, the rule of law, and an informed citizenry.” He proceeded to criticize the Belarusian Government on all counts. “Here in Belarus,” Koh said, “the regime has sought to suppress democracy. It has used unconstitutional methods to rewrite the country’s constitution, then used the new constitution to undermine or replace legitimate democratic institutions.” Outlining human rights and other abuses, Koh said Belarus “is a holdout in an era of democratic growth. It has not shown the respect for the will of the people, civil society, the rule of law, or a free and informed citizenry that characterizes genuine democratic government.”

Koh ended his remarks by urging his audience not to lose hope. “When future historians write about the end of the twentieth century, they will identify the growth of democ-

racy—from 30 countries in 1974 to 119 today—as our greatest achievement, and preserving democracy as our greatest challenge. This is a genuinely global revolution, which is sweeping the world. I believe that it is only a matter of time before true democracy comes to Belarus as well.”

Commissioner Koh met at U.S. Ambassador Dan Speckhard’s residence with spouses or family members of political detainees and opposition leaders who have disappeared in recent months, as well as with members of the legitimate, but disbanded, 13th Supreme Soviet, opposition leaders and human rights organization representatives. The delegation also met with Ambassador Wieck, head of the OSCE mission in Belarus, and with independent journalists. Commissioner Koh reiterated U.S. concern for human rights and democracy in meetings at Belarus’ Foreign Ministry, including with Foreign Minister Ural Latypov. While supporting the political dialogue between the government and opposition, Secretary Koh emphasized that it needs to take place in an environment conducive to a genuine dialogue and where opposition figures would not have to live in fear following the disappearance of several of their colleagues.

Koh was accompanied by Madeline Seidenstricker of the State Department, Commission Deputy Staff Director Ronald McNamara and Staff Advisor Orest Deychakiwsky.

In October, Commission Chairman Rep. Christopher H. Smith (R-NJ), Co-Chairman Sen. Ben Nighthorse Campbell (R-CO), and



Ranking Members Rep. Steny H. Hoyer (D-MD) and Senator Frank Lautenberg (D-NJ), expressed growing concern about violations of human rights in a letter to Belarusian leader Lukashenka. The Commissioners' specific concerns included the continuing imprisonment of former Prime Minister Chygyr, disappearances of several opposition figures, increased attempts to stifle freedom of expression, and the denial of registration of several non-governmental organizations. "Your efforts to address these concerns," wrote the Commissioners, "would reduce the climate of suspicion and fear that currently exists and enhance confidence in the negotiation process which we believe is so vital to Belarus' development as a democratic country in which human rights and the rule of law are respected."

Joining the Commission leadership in another October letter on Belarus to Secretary of State Albright were Commissioners Sen. Kay Bailey Hutchison (R-TX), Rep. Frank R. Wolf (R-VA) and Rep. Benjamin L. Cardin (D-MD), as well as Senators Trent Lott (R-MS), Jesse Helms (R-NC), William V. Roth, Jr. (R-DE), and Rep. Alcee Hastings (D-FL). The letter urged Secretary Albright to intensify pressure on the Lukashenka regime for the release of political detainees and a full accounting of those who have disappeared. The letter also urged that "...adequate resources are made available on an urgent basis to support those programs aimed at strengthening independent media, human rights, civil society, independent trade unions, and the democratic opposition in Belarus." □

## **Chechnya conflict prompts Commission hearing, House resolution**

*by John Finerty*

On November 3, the Commission held a Capitol Hill hearing, "The Chechen Crisis and Its Implications for Russian Democracy." Testifying before the Commission were Dr. John Dunlop, Senior Fellow at the Hoover Institution; Dr. Fiona Hill, Director of Strategic Planning at the Eurasia Foundation; Mr. Lyoma Usmanov, representative of the Chechnya government in the United States; and Mr. Ya'ov Karny, a Washington-based journalist and writer. (The U.S. State Department was unable to send a witness due to scheduling problems, and the Russian Ambassador declined an invitation.)

The Russian Government is applying indiscriminate force far out of proportion to its stated objectives in Chechnya," asserted Commission Chairman Rep. Christopher Smith (R-NJ) in his opening remarks. "As was the case four years ago, thousands of innocent persons are being killed or displaced by the Russian offensive. Any country, including the Russian Federation, is justified in using appropriate methods to combat terrorism. However, launching a war against innocent civilians is another matter. Russia is a participating State of the Organization for Security and Cooperation in Europe (OSCE) and has agreed to certain standards regarding the protection of citizens when addressing internal security matters."

"Ironically, the leaders of the 54 OSCE countries are preparing to assemble shortly in Istanbul for the final major summit of the century," noted Commission Co-Chairman Senator Ben Nighthorse Campbell (R-CO). "The horrific humanitarian disaster

unfolding in Chechnya will loom large over that important meeting. While none should discount that threats posed by terrorism in the North Caucasus, neither should that serve as a pretext to use force against non-combatants and civilian populations."

Ranking Commission Member Rep. Steny H. Hoyer (D-MD) stated that "the policy is not only murderous, but incredibly short-sighted. However it may have been planned, the war in Chechnya has not only become an attack on innocent non-combatants, but it will strain the fabric of Russia's democratic development, to say nothing of the financial resources that could be used to build up a society, rather than destroy it."

"There is a major humanitarian disaster underway in the Caucasus," testified Lyoma Usmanov, the Representative of Chechen Republic to the United States. "Hundreds of civilians have already been killed in Russian air and artillery attacks, mostly women and children, and thousands have fled to neighboring regions. As these regions are completely unequipped to cope with this influx of refugees, the scale of the disaster will grow exponentially as colder weather sets in. Neither the Chechen nor the Russian Ingush governments are capable of preventing this unfolding tragedy, affecting those most vulnerable in our society, the elderly, women and children." In answer to a question regarding the fate of American humanitarian worker Fred Cuny, who disappeared in Chechnya in April 1995, Usmanov expressed

*please turn to next page*

*continued from previous page*

his regret that he had no further information on Cuny's fate.

According to Professor Dunlop, "This campaign of terror against Chechen civilians has been fully intentional on the part of the Russian military, Prime Minister Putin and President Yeltsin. Its principal aim appears to have been ethnically to cleanse hundreds of thousands of Chechens from their home republic, in what resembles a repeat performance of the Stalinist deportation of 1944, which eventually resulted in the Chechens losing 20-25 percent of their populace."

Dr. Hill testified that "the Khasavyurt Accord proved to be as unpopular as the war it ended, and the Accord is now nothing more than a glorified cease-fire document.... Sympathy for the Chechens rapidly dissipated both in Moscow and in the surrounding region of the North Caucasus [following the 1994-96 war] in the face of widespread and blatant kidnaping, assassinations, murders, and attacks on economic targets in neighboring areas. Most importantly," she added, "This second war is all about politics in Moscow in the run up to the December 1999 Russian parliamentary and the June 2000 presidential elections, and all about defeat in the first war...." Dr. Hill called for continued condemnation of the attacks on the civilian population of Chechnya while engaging those Russian politicians who speak out against the civilian casualties and the conduct of the War. She also called for the renewed engagement of the OSCE in the region, and an offer of humanitarian assistance for the refugees and the neighboring republics that are hosting them.

Journalist Karny concluded, "The Chechens do not deserve capital pun-

ishment on the account of [their] flaws. Their quest for independence is no less legitimate, no less warranted by a history of struggle, than that of any people I know. Chechnya's fate has been ignored too often by the outside world. Their own holocaust, which coincided with that of the Jews in Europe, is still awaiting world recognition and Russian repentance. It is our moral duty to make sure that this tiny and stubborn nation does not perish."

The hearing was also attended by Commissioners Reps. Frank R. Wolf (R-VA), Joseph R. Pitts (R-PA), and Benjamin L. Cardin (D-MD). The full transcript of the hearing will be available at the Commission website <[www.house.gov/csce](http://www.house.gov/csce)> in the coming weeks.

In November the House of Representatives approved by a near unanimous vote (407-4) House Concurrent Resolution 206, expressing grave concern regarding armed conflict in the North Caucasus region of the Russian Federation which has resulted in civilian casualties and internally displaced persons, and urging all sides to pursue dialogue for peaceful resolution of the conflict. The resolution was originally introduced by Chairman Smith and Commissioners Reps. Frank R. Wolf (R-VA) and Michael P. Forbes (D-NY), and co-sponsored by Ranking Member Rep. Steny H. Hoyer (D-MD), Commissioner Rep. Benjamin L. Cardin (D-MD), House International Relations Committee Chairman Rep. Benjamin A. Gilman (R-NY), and Reps. Eliot L. Engel (D-NY) and Fortney Pete Stark (D-CA).

Specifically, the resolution:

(1) urges the Government of the Russian Federation and all parties to

cease the indiscriminate use of force against the civilian population in Chechnya, in accordance with commitments of the Organization for Security and Cooperation in Europe;

(2) urges all parties, including the Russian Federation, to enter into negotiations on the North Caucasus conflict with legitimate political representatives of the region, including President Maskhadov and his government, and to avail itself of the conflict prevention and crisis management capabilities of the Organization for Security and Cooperation in Europe, which helped broker an end to the 1994-1996 war;

(3) urges the Chechen authorities to use every appropriate means to deny extremist forces located in its territory a base of operations for the mounting of armed incursions that threaten peace and stability in the North Caucasus region;

(4) urges the Chechen authorities to create a rule of law environment with legal norms based upon internationally accepted standards;

(5) cautions that forcible resettlement of internally displaced persons would evoke outrage from the international community;

(6) urges that the Government of the Russian Federation seek and accept international humanitarian assistance to alleviate the suffering of the internally displaced persons from Chechnya, so as to reduce the risk of civilian casualties; and

(7) calls on the Government of the United States to express to all parties the necessity of resolving the conflict peacefully, with full respect to the human rights of all the citizens of the Russian Federation, and to support the provision of appropriate international humanitarian assistance. □

## Macedonian citizens find choosing a president a challenge

*by Robert Hand*

On October 31, Macedonian voters went to the polls to choose a new president. Six candidates entered the contest, and the inability of any of them to win a majority of the votes cast required a second round on November 14 between the top two vote-getters. Boris Trajkovski of the ruling Internal Macedonian Revolutionary Organization Democratic Party for Macedonian Unity (VMRO-DPMNE) edged out his opponent, Tito Petkovski of the opposition Social Democratic Union of Macedonia (SDSM). The election was a significant event, despite the limited powers of the presidential office in Macedonia, in that the winner would succeed the retiring Kiro Gligorov, who had held the office for the entire decade since multi-party politics was introduced in 1990 and independence from the disintegrating Yugoslavia was asserted in 1991. The election also was viewed as a test of this multi-ethnic country's stability in light of the NATO-Yugoslav conflict earlier this year regarding neighboring Kosovo, as well as Macedonia's own democratic development since

the parliamentary elections of one year ago brought a new political coalition into power. The president is viewed in Macedonia as a bridge between the country's ethnic communities. Ironically, the candidate of the previously nationalistic VMRO ran a campaign preaching tolerance, while that of the SDSM—the successor to the League of Communists—played heavily on anti-Albanian sentiment.

The elections, from the campaign to the actual balloting, took place under conditions that were incrementally more free and fair than before. This improvement, however, served partly to highlight those regions of the country where electoral problems traditionally occurred and did so again. In addition, while the participation of the sizable ethnic Albanian community in a country-wide election was viewed positively, the decisive nature of their overwhelming second-round vote for Trajkovski over first-round leader Petkovski may produce potentially destabilizing social tensions, at least in the short term. Soon after preliminary second-round results were announced, Petkovski supporters took

to the streets protesting electoral irregularities which largely occurred in Albanian-inhabited parts of western Macedonia, chanting that Albanians should not be choosing who will become the next Macedonian president. The State Election Commission and the Supreme Court of Macedonia ruled in late November that voting must be repeated on December 5 at 230, or nearly 10 percent of all polling stations, involving more than enough voters to overturn the earlier outcome.

While Macedonia may be continuing to move along the right track, these elections have demonstrated that a comfortable balance between individual integration and collective segregation for ethnic communities has yet to be found. The international community can play a major role in helping to find that balance in a democratic context, and in ensuring Macedonia's continued stability in a still unstable corner of Europe.

Helsinki Commission staff observed both the first- and second-round voting in the Macedonian presidential race. □

# Commission on Security and Cooperation in Europe

234 Ford House Office Building  
Washington, DC 20515-6460  
E-mail address: csce@mail.house.gov  
Internet Web Site: <http://www.house.gov/csce/>

## Commissioners

Rep. Christopher H. Smith, *New Jersey*, Chairman

Sen. Ben Nighthorse Campbell, *Colorado*, Co-Chairman

### U.S. House of Representatives

Frank R. Wolf, *Virginia*  
Matt Salmon, *Arizona*  
James C. Greenwood, *Pennsylvania*  
Joseph R. Pitts, *Pennsylvania*  
Steny H. Hoyer, *Maryland*  
Benjamin L. Cardin, *Maryland*  
Louise McIntosh Slaughter, *New York*  
Michael P. Forbes, *New York*

### U.S. Senate

Kay Bailey Hutchison, *Texas*  
Spencer Abraham, *Michigan*  
Sam Brownback, *Kansas*  
Tim Hutchinson, *Arkansas*  
Frank R. Lautenberg, *New Jersey*  
Bob Graham, *Florida*  
Russell D. Feingold, *Wisconsin*  
Christopher J. Dodd, *Connecticut*

## Executive Branch

Harold Hongju Koh, Department of State  
Dr. Edward L. Warner III, Department of Defense  
Patrick A. Mulloy, Department of Commerce

### Commission Staff

Dorothy Douglas Taft, *Chief of Staff*  
Ronald J. McNamara, *Deputy Chief of Staff*  
Ambassador William H. Courtney, *Senior Advisor*

Elizabeth M. Campbell, *Staff Assistant/Systems Administrator*  
Maria V. Coll, *Office Administrator*  
Orest Deychakiwsky, *Staff Advisor*  
John F. Finerty, *Staff Advisor*  
Chadwick R. Gore, *Communications Director, Digest Editor*  
Robert Hand, *Staff Advisor*  
Janice Helwig, *Staff Advisor*  
Marlene Kaufmann, *Counsel for International Trade*  
Karen S. Lord, *Counsel for Freedom of Religion*  
Michael J. Ochs, *Staff Advisor*  
Erika B. Schlager, *Counsel for International Law*  
Maureen T. Walsh, *Counsel*

---

COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC 20515-6460  

---

OFFICIAL BUSINESS

*Christopher H. Smith*

M.C.

